



Development of Amendments and New Rule concerning Drinking Water Corrections

#06-44 (WPCB)

Overview

This rulemaking corrects references to the definition of ground water under the direct influence of surface water and adds requirements in the consumer confidence reports and public notification regulations for public water systems to report that unregulated contaminant monitoring has been done and that results are available from the public water system. These changes were requested by EPA after review of the regulations when Indiana applied for primary enforcement authority (primacy) for the public notification rule.

This rulemaking also includes language relating to noncentralized treatment devices. This rule section needs to be changed to allow for point-of-use and point-of-entry treatment devices to be used for compliance with the arsenic maximum contaminant level (MCL). These devices are allowed as small system compliance technology under 327 IAC 8-2-4.

Citations Affected

Amends 327 IAC 8-2-8, 327 IAC 8-2-24, 327 IAC 8-2.1-3, 327 IAC 8-2.1-10, and 327 IAC 8-2.1-16 and adds rule 327 IAC 8-2.1-14.5.

Affected Persons

Systems that monitor for unregulated contaminants under the EPA Unregulated Contaminant Monitoring Rule will be required to include information on their monitoring both through public notification that the results are available and through their Consumer Confidence Report. Both of these requirements are already in the federal rule.

Reason(s) for the Rule

The changes being made in this rule are made based upon requests from EPA to make the state rule consistent with the federal regulations.

Economic Impact of the Rule

There is no anticipated fiscal impact to this rule.

The potential fiscal impacts, if any, will be due to the federally mandated requirements even if Indiana were not to promulgate the same requirements in its rules.

Benefits of the Rule

By making the changes requested by EPA in this rulemaking, the Department will be able to maintain primacy for the Safe Drinking Water Act.

Description of the Rulemaking Project

Changes are being made to existing Indiana Administrative Code pertaining to drinking water regulations in order to ensure that the Indiana rules are as stringent as the federal regulations. Changes are being made to correct references that changed in a prior rulemaking but were not updated at that time, as well as to include additional language on public notification for results of unregulated contaminant monitoring done under the federal Unregulated Monitoring Contaminant Rule and to update language pertaining to noncentralized treatment devices so that point-of-use and point-of entry treatment devices can be used by small public water systems to comply with the Arsenic MCL as allowed under 327 IAC 8-2-4.

Scheduled Hearings

First Public Hearing: May 10, 2006, at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana.

Second Public Hearing: September 13, 2006, at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana.

Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the

character of the area affected.

2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.

3) Zoning classifications.

4) The nature of the existing air quality or existing water quality, as appropriate.

5) Technical feasibility, including the quality conditions that could be reasonably be achieved through coordinated control of all factors affecting the quality.

6) Economic reasonableness of measuring or reducing any particular type of pollution.

(7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:

(A) human, plant animal, or aquatic life; or

(B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

This rulemaking is consistent with **federal rules**.

Rulemaking Process

The first step in the rulemaking process is a first notice published in the *Indiana Register*. This includes a discussion of issues and opens a first

comment period. The second notice is then published which contains the comments and the department's responses from the first comment period, a notice of first meeting/hearing, and the draft rule. The Water Pollution Control Board holds the first meeting/hearing and public comments are heard. The proposed rule, also known as the draft rule as preliminarily adopted, is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/ hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public meeting/hearing is held and public comments are heard. Once final adoption occurs, the rule becomes effective 30 days after filing with the Secretary of State.

IDEM Contact

Technical information regarding this rulemaking action can be obtained from Stacy Jones, Drinking Water Branch, Office of Water Quality, (317) 308-3292 or (800) 451-6027 (in Indiana). Additional information regarding this rulemaking action can be obtained from Lawrence Wu, Rules Development Section, Office of Water Quality, (317) 234-1805 or (800) 451-6027 (in Indiana).